Case 2:21-cv-01551-GAM

SAM Document 1 Filed 04/01/21 CIVIL COVER SHEET JS 44 (Rev. 10/20) The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) DEFENDANTS
Scott Schweizer, Erik Pross, Patrick
Scott Schweizer, Erik Pross, Patrick
Banning I. (a) PLAINTIFFS County of Residence of First Listed Defendant (b) County of Residence of First Listed Plaintiff (IN U.S. PLAINTIFF CASES ONLY) (EXCEPT IN U.S. PLAINTIFF CASES) IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. (c) Attorneys (Firm Name, Address, and Telephone Number) 230 South Broad CornerStone Legal Group, Street, 17th Floor 212-444-2039 Phila, PA 19102 Attorneys (If Known) City Law Dept 1515 Arch St, 14TH Floor Philadelphia, PA 19102 III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff II. BASIS OF JURISDICTION (Place an "X" in One Box Only) and One Box for Defendant) (For Diversity Cases Only) DEF PTF DEF 1 U.S. Government □ 4 □4 Incorporated or Principal Place Citizen of This State □ 1 (U.S. Government Not a Party) Plaintiff of Business In This State 2 Incorporated and Principal Place □ 5 Citizen of Another State Diversity U.S. Government of Business In Another State (Indicate Citizenship of Parties in Item III) Defendant ☐ 6 ☐ 6 3 Foreign Nation Citizen or Subject of a Foreign Country Click here for: Nature of Suit Code Descriptions IV. NATURE OF SUIT (Place an "X" in One Box Only) OTHER STATUTES BANKRUPTCY FORFEITURE/PENALTY TORTS CONTRACT 422 Appeal 28 USC 158 375 False Claims Act 625 Drug Related Scizure PERSONAL INJURY PERSONAL INJURY 110 insurance 376 Qui Tam (31 USC 423 Withdrawal of Property 21 USC 881 365 Personal Injury -310 Airplanc 120 Marine 3729(a)) 28 USC 157 7690 Other 315 Airplane Product **Product Liability** 130 Miller Act 400 State Reapportionment 367 Health Care/ Liability 140 Negotiable Instrument 410 Antitrust PROPERTY RIGHTS Pharmaceutical 320 Assault, Libel & 430 Banks and Banking 150 Recovery of Overpayment 820 Copyrights Personal Injury Slander & Enforcement of Judgment 450 Commerce 830 Patent **Product Liability** 330 Federal Employers' 151 Medicare Act 460 Deportation 835 Patent - Abbreviated 368 Asbestos Personal 152 Recovery of Defaulted Liability 470 Racketeer Influenced and **New Drug Application** Injury Product 340 Marine Corrupt Organizations Student Loans 840 Trademark 345 Marine Product Liability (Excludes Veterans) 880 Defend Trade Secrets 480 Consumer Credit LABOR PERSONAL PROPERTY Liability 153 Recovery of Overpayment (15 USC 1681 or 1692) Act of 2016 710 Fair Labor Standards 370 Other Fraud 350 Motor Vehicle of Veteran's Benefits 485 Telephone Consumer 371 Truth in Lending Act 355 Motor Vehicle 160 Stockholders' Suits Protection Act SOCIAL SECURITY 720 Labor/Management 380 Other Personal Product Liability 190 Other Contract 490 Cable/Sat TV 861 HIA (1395ff) Relations Property Damage 195 Contract Product Liability 360 Other Personal 850 Securities/Commodities/ 862 Black Lung (923) 385 Property Damage 740 Railway Labor Act Injury 196 Franchise 863 DIWC/DIWW (405(g)) Exchange 751 Family and Medical **Product Liability** 362 Personal Injury 890 Other Statutory Actions 864 SSID Title XVI Leave Act Medical Malpractice 891 Agricultural Acts 865 RSI (405(g)) 790 Other Labor Litigation PRISONER PETITIONS CIVIL RIGHTS REAL PROPERTY 893 Environmental Matters 791 Employee Retirement Habeas Corpus: 440 Other Civil Rights 210 Land Condemnation 895 Freedom of Information FEDERAL TAX SUITS Income Security Act 463 Alien Detainee 441 Voting 220 Foreclosure 870 Taxes (U.S. Plaintiff 510 Motions to Vacate 442 Employment 230 Rent Lease & Ejectment 896 Arbitration or Defendant) Sentence 443 Housing/ 240 Torts to Land 899 Administrative Procedure IRS-Third Party Accommodations 530 General 245 Tort Product Liability Act/Review or Appeal of IMMIGRATION 26 USC 7609 535 Death Penalty 45 Amer. w/Disabilities 290 All Other Real Property Agency Decision 462 Naturalization Application Other: Employment 950 Constitutionality of 540 Mandamus & Other 465 Other Immigration 446 Amer. w/Disabilities State Statutes 550 Civil Rights Actions Other 555 Prison Condition 448 Education 560 Civil Detaince -Conditions of Confinement ORIGIN (Place an "X" in One Box Only) 8 Multidistrict 6 Multidistrict 4 Reinstated or 5 Transferred from Remanded from 2 Removed from Original Litigation -Litigation -Another District Reopened State Court Appellate Court Proceeding Direct File Transfer (specify) Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 12050 VI. CAUSE OF ACTION Rights Vra Color of Law Brief description of cause CHECK YES only if demanded in complaint: **DEMAND S** CHECK IF THIS IS A CLASS ACTION VII. REQUESTED IN ☐ No V Yes JURY DEMAND: UNDER RULE 23, F.R.Cv.P. **COMPLAINT:** VIII. RELATED CASE(S) (See instructions): DOCKET NUMBER IF ANY HIDGE SIGNATURE OF ATTORNEY OF RECORD DATE 3 (31 *(*2) FOR OFFICE USE ONLY

APPLYING IFP

AMOUNT

RECEIPT#

MAG. JUDGE

HIDGE

Case 2:21-cv-01551-GAMTED STATES DISTRICT COURT 4/01/21 Page 2 of 11 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 3926 Terrace S+ Phila PA 19128				
Address of Plaintiff: 5906 Terrace St Thile PA 19100				
Address of Defendant: 1515 Arch St, 14TH Floor Phila, PA 19106				
Place of Accident, Incident or Transaction: Philadelphia, PA				
RELATED CASE, IF ANY:				
Case Number: Judge: Date Terminated:				
Civil cases are deemed related when Yes is answered to any of the following questions:				
1. Is this case related to property included in an earlier numbered suit pending or within one year Yes No Y				
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit yes No No No No No No No No No N				
3. Does this case involve the validity or infringement of a patent already in suit or any earlier No No No No No No No No No N				
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights Yes No V V V V V V V V V V V V V				
I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.				
DATE: 3(31(2) Muchigh bere 310865 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)				
CIVIL: (Place a √ in one category only)				
A. Federal Question Cases: B. Diversity Jurisdiction Cases:				
 Indemnity Contract, Marine Contract, and All Other Contracts Insurance Contract and Other Contracts Airplane Personal Injury 				
3. Jones Act-Personal Injury 3. Assault, Defamation 4. Antitrust 4. Marine Personal Injury				
5. Patent 5. Motor Vehicle Personal Injury				
7 Description				
✓ 7. Civil Rights ✓ 7. Products Liability □ 8. Habeas Corpus □ 8. Products Liability – Asbestos □ 9. Securities Act(s) Cases □ 9. All other Diversity Cases				
10. Social Security Review Cases (Please specify):				
11. All other Federal Question Cases (Please specify):				
ARBITRATION CERTIFICATION (The effect of this certification is to remove the case from eligibility for arbitration.)				
I, Daved Wesley Cornish counsel of record or pro se plaintiff, do hereby certify:				
Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:				
Relief other than monetary damages is sought.				
DATE: 3/31/21 Sign here if applicable 3/0865 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)				
NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.				

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Joseph Lawrence

CIVIL ACTION

Scott Schweizer, Patrick Ba	Erik Pross:	NO.	
In accordance with the Civil Juplaintiff shall complete a Case I filing the complaint and serve a side of this form.) In the every side of this form.	stice Expense and Delay Reduction Management Track Designation I copy on all defendants. (See § 1:0 at that a defendant does not agrill, with its first appearance, submed a Case Management Track De	of the plan set forth on the reverse with the plaintiff regarding at to the clerk of court and serverse.	erse said e on
SELECT ONE OF THE FOL	LOWING CASE MANAGEMI	ENT TRACKS:	
(a) Habeas Corpus – Cases bro	ought under 28 U.S.C. § 2241 thr	rough § 2255.	()
(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits.			
(c) Arbitration - Cases required to be designated for arbitration under Local Civil Rule 53.2.			
(d) Asbestos – Cases involving exposure to asbestos.	g claims for personal injury or pr	operty damage from	()
a summaral stranger and to ac co	ses that do not fall into tracks (a) omplex and that need special or le of this form for a detailed expl	illense management of	()
	Cases that do not fall into any one	e of the other tracks.	(/)
	Attorney-at-law 212-535-7365 FAX Number	Attorney for Awesleyd4@ gm E-Mail Address	nail-con
(Civ. 660) 19/02			



Joseph Lawrence,

: United States District Court

Plaintiff,

Eastern District of Pennsylvania

VS.

:

Scott Schweizer, Erik Pross, Patrick Banning, :

Civil Division - Civil Rights

Michael Szelagowski, John Doe Officers 1-10,

Case No.:

Defendants.

COMPLAINT

1. Plaintiff Joseph Lawrence ("Lawrence") via counsel, David Wesley Cornish, Esquire, Complains and states he was injured as follows, and via 42 U.S.C. §§1983, 1985, and 1988, of the civil rights laws passed by Congress, provides the appropriate remedy to persons who have been deprived of their federal constitutional statutory rights under the color of state law.

JURISDICTION AND VENUE

- 2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question) and the Civil Rights Act of 1871, 42 U.S.C. §§1983, 1985, and 1988.
- 3. This Court has supplemental jurisdiction for the state law claims, pursuant to 28 U.S.C. §1367.
- 4. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) in that Defendants work and reside in this district and virtually all the acts described in this Complaint occurred in this district.

PLAINITFF

5. Plaintiff is **Joseph Lawrence**, an individual and resident of the United States of America, and resident of the Commonwealth of Pennsylvania.

DEFENDANTS

6. Defendant is Officer Scott Schweizer, a police officer for the Philadelphia Police Department, who lives and resides in the Commonwealth of Pennsylvania.

- 7. Defendant is Officer **Erik Pross**, a police officer for the Philadelphia Police Department, who lives and resides in the Commonwealth of Pennsylvania.
- 8. Defendant is Officer **Patrick Banning**, a police officer for the Philadelphia Police Department, who lives and resides in the Commonwealth of Pennsylvania.
- Defendant is Officer Michael Szelagowski, a police officer for the Philadelphia Police Department, who lives and resides in the Commonwealth of Pennsylvania.
- 10. Defendant is **John/Jane Doe Officers 1-10**, police officer(s) for the Philadelphia Police Department, who live(s) and reside(s) in the Commonwealth of Pennsylvania.

FACTUAL BACKGROUND

- 11. At all relevant times the Defendants acted under the color of law as the municipality of Philadelphia, supervised these municipally employed police officers, while on duty.
- 12. Plaintiff was arrested by Philadelphia Police Officers in 2018, including the above-name Defendants in relation to a narcotics investigation within the City of Philadelphia.
- 13. The Plaintiff was arrested and charged with purchase/receipt of narcotics and simple possession in MC-51-CR-25871-2018.
- 14. On April 3, 2019, all charges against the Plaintiff were dismissed in Philadelphia Municipal Court.
- 15. Plaintiff contends the Defendants lacked probable cause to arrest, detain, and prosecute him as he was not participating in any criminal activity, and had not sold, possessed, nor purchased drugs.
- 16. Plaintiff was incarcerated due to this arrest.
- 17. Defendants themselves or at their order had other law enforcement agents physically restrain the Plaintiff with both physical force, handcuffs, locked rooms (jail cells), and other incapacitant devices, in addition to a verbal use of force, to prevent free movement.
- 18. Defendants themselves or at their order had the Plaintiff removed from the scene for further processing at the Police Department after searching, seizing, detaining, and arresting him.

- 19. After arresting Plaintiff, Defendant and other law enforcement agents at his direction, completed police paperwork and attested probable cause existed to believe Plaintiff committed a criminal act and both should be criminally charged for violating the law.
- 20. Defendant and other law enforcement agents at his direction, completed police paperwork regarding this incident and forwarded it to the Philadelphia District Attorney's Office for prosecuting the Plaintiff.
- 21. Based on the claims made by Defendants, including his observations which were the entire basis for the police paperwork generated, Plaintiff was charged.
- 22. Plaintiff was arrested, searched, seized, detained, and prosecuted based upon alleged observations by Defendants.
- 23. Plaintiff avers he was not violating any laws before or at the time he was arrested.
- 24. Plaintiff never spoke with, interacted, physically touched, nor communicated with in any way, any person trying to buy narcotics, and Plaintiff never possessed any illegal drugs.
- 25. Plaintiff at no time during this investigation, was participating in criminal activity, nor did he exchange any money or narcotics with any persons.

PLAINTIFF'S INJURIES

- 26. Plaintiff alleges and incorporates via reference the allegations contained in all the above paragraphs, as fully as though the same were set forth herein at length.
- 27. Due to the Defendants actions Plaintiff suffered the following injuries:
 - a. Physical discomfort from being handcuffed;
 - b. A loss of freedom due to the Defendants arresting him;
 - c. A loss of enjoyment and quality of life due to the Defendants actions in restraining, arresting, and prosecuting him which caused physical and psychological injuries;
 - d. A loss of employment/business opportunities due to the Defendants actions restraining, arresting, and prosecuting him;

- e. Loss of reputation from the Defendants actions restraining, arresting, and prosecuting;
- f. Litigation expenses for this civil matter including but not limited to filing fees, administrative fees, expert fees, court costs, civil counsel fees, and the like.

COUNT 1 - MALICIOUS PROSECUTION (Lawrence v. All Defendants)

- 28. Plaintiff alleges and incorporates via reference the allegations contained in all the above paragraphs, as fully as though the same were set forth herein at length.
- 29. Plaintiff avers the Defendants initiated criminal proceedings in the underlying criminal case, against him via arrest, filing a criminal complaint, processing him, and consulting the District Attorney's Office about further charging him.
- 30. Plaintiff avers these Defendants lacked probable cause, as articulated in the United States Constitution's 4th Amendment and applied to the states via the 14th Amendment, to stop, search, and detain Plaintiff when they first encountered him, and lacked probable cause to arrest him and because these Defendants arrested him, his resulting imprisonment was unjust, illegal, and was the direct and causal reason he was incarcerated.
- 31. Plaintiff's criminal charges initiated by the Defendants on April 3, 2019, terminated in his favor, when the Municipal Court dismissed all charges.
- 32. Plaintiff avers the Defendants acted maliciously or for a purpose other than bringing him to justice, as Plaintiff was not committing a crime when he first encountered the Defendants and at no time engaged in any criminal activity.
- 33. Plaintiff avers because of this criminal proceeding, he suffered a significant deprivation of liberty and freedom spending as he was held in pre-trial incarceration.
- 34. Further, Plaintiff avers Defendants obscured the District Attorney's Office from making an independent judgment about the merits of prosecution as these Defendants failed to provide materially honest evidence and statements regarding Plaintiff, the evidence observed, and recovered.

- 35. Plaintiff avers but for the Defendant filing a criminal complaint based on fabricated/non-existent/mistaken evidence he would never have had a criminal case initiated against him.
- 36. The Defendant directly, foreseeably, legally, and proximately caused Plaintiff to have suffered unjust, unwarranted, and unlawful incarceration, prosecution, and/or will continue to suffer the following damages: Physical injuries including pain and suffering, loss of job/wages opportunities, Public shame and embarrassment, Loss of enjoyment of life, Loss of enjoyment of freedom, and Past and future pain and suffering, extreme inconvenience, and emotional distress.

WHEREFORE, Plaintiff demands judgment against the Defendant, in an official, professional, individual, and personal capacity, individually, jointly, and severally for compensatory, punitive, and exemplary damages in addition to attorneys' fees, costs, interest, and the like in excess of one hundred and fifty-thousand dollars (\$150,000).

PUNITIVE DAMAGES REOUEST

- 37. Plaintiff alleges and incorporates via reference the allegations contained in all the above paragraphs, as fully as though the same were set forth herein at length.
- 38. Defendants actions in depriving Plaintiff of his rights, freedoms, privileges, and liberties is so outrageous as to shock the conscience of reasonable persons and shows reckless indifference for the Plaintiffs' rights, especially when there was no reasonable suspicion or probable cause to believe he was committing a criminal act by charging his phone and waiting in the hallway of a public building.

 WHEREFORE, Plaintiff demands exemplary and punitive damages plus attorneys' fees and costs in an amount in excess of One-Hundred and Fifty-Thousand Dollars (\$150,000) against all Defendants, excluding any municipalities, officially, personally, professionally, individually, jointly, and severally.

JURY DEMAND

39. Plaintiffs demand a jury to determine the extent of damages and provide a full and fair determination pursuant to the United States Constitutional Amendments V, VI, and XIV.

Respectfully Submitted,

/S/ David Wesley Cornish, Esquire David Wesley Cornish, Esquire Bar ID #: 310865

230 South Broad Street, 17th Floor

Philadelphia, PA 19102 Phone: 212-444-2039

ATTORNEY FOR PLAINTIFF LAWRENCE

DATE: March 31, 2021

Joseph Lawrence,

: United States District Court

Plaintiff,

: Eastern District of Pennsylvania

VS.

:

Scott Schweizer, Erik Pross, Patrick Banning, :

Civil Division – Civil Rights

Michael Szelagowski, John Doe Officers 1-10, :

Case No.:

Defendants.

VERIFICATION

The facts set forth in the foregoing are true and correct to the best of the undersigned's knowledge, information and belief and are verified subject to the penalties both in Pennsylvania and Federal Court for perjury and unsworn falsification to authorities and/or the tribunal.

Respectfully Submitted,

/S/ David Wesley Cornish, Esquire David Wesley Cornish, Esquire

Bar ID #: 310865

230 South Broad Street, 17th Floor

Philadelphia, PA 19102 Phone: 212-444-2039

ATTORNEY FOR PLAINTIFF LAWRENCE

DATE: March 31, 2021

VERIFICATION FOR COMPLAINT

I, Joseph Lawrence, subject to the penalties of unsworn falsifications and perjury, state I, answered the foregoing, to the best of my knowledge, information, and belief, they are accurate, true and complete. I, verify and make this representation pursuant to the penalties for unsworn falsifications and perjury the foregoing.

John	
Signature	
Joseph Lawrence	
Printed Name	
Date:	